

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
ENTERED

JUL 29 2005

Michael N. Milby, Clerk of Court

ERIC FURZLAND,
TDCJ-CID #883404,

Petitioner,

v.

DOUGLAS DRETKE,

Respondent.

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CIVIL ACTION NO. H-04-3250

MEMORANDUM AND ORDER

Petitioner, Eric Furzland, previously an inmate incarcerated in the Texas Department of Criminal Justice–Correctional Institutions Division (TDCJ), filed a petition for habeas corpus relief requesting his release to mandatory supervision. Respondent has filed a motion for summary judgment, notifying the Court that petitioner was released to mandatory supervision on January 21, 2005, and that his petition is now moot. (Docket Entry No. 7.) Respondent's certificate of service shows that a copy of the motion was served on petitioner at his address of record on June 28, 2005. The Court's docket shows that although a reasonable time has elapsed, petitioner has not responded.

Accordingly, the motion for summary judgment (Docket Entry No. 7) is **GRANTED** on the basis of mootness, and this case is **DISMISSED**. Any pending motions are **DENIED AS MOOT**.

The Clerk is to provide a copy of this order to all parties.

Signed at Houston, Texas, on this 28th day of July, 2005.

A handwritten signature in black ink, appearing to read "Keith P. Ellison", written over a horizontal line.

KEITH P. ELLISON

UNITED STATES DISTRICT JUDGE